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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,730	01/22/2001	Claudio L.K. Lins	6289	1305

22922 7590 07/10/2006

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EXAMINER

CHORBAJI, MONZER R

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/766,730	Applicant(s) LINS, CLAUDIO L.K.	
	Examiner MONZER R. CHORBAJI	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This final action is in response to the amendment received on 04/03/2006

Claim Objections

1. Claim 13 is objected to because of the following informalities: Change the word "subject" to "subjected" in line 15. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 9, lines 12-14, Applicant added the phrase "composition is free of immiscible and insoluble topical composition particulates". The disclosure taken as a whole does not teach this feature nor ^{it is} ~~it is~~ conventional knowledge to one having ordinary skill in the art of electrostatic dispensing not to include immiscible and insoluble topical composition particulates in a disinfectant composition that will be placed in an electrostatic delivery system.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-5, 9, 11-13, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabe et al (U.S.P.N. 6,531,142).

Regarding claim 1, Rabe discloses a substantially non-aqueous electrostatically dispensable composition (abstract, lines 1-2 and col.5, lines 56-60) that includes an alcohol solvent in combination with a glycol (col.5, lines 14-17 and lines 51-53) solute such that within the disclosed range, the glycol component is capable of being the solute while the alcohol component is the solvent. The combination of the alcohol and the glycol has an inherent initial conductivity and an essential oil (col.9, line 27) as the conductivity control component. The essential oil present in an amount that is inherently capable of reducing the initial conductivity (col.4, lines 28-30 and col.9, line 27 and lines 40-42). In addition, Rabe teaches (col.2, lines 55-58) that all combinations of the various

disclosed embodiments are possible. This teaching means the composition can have different combinations of its components and is not limited to what is explicitly illustrated. Clearly in one combination, the composition of Rabe includes a liquid insulating material and a conductive material, which both are miscible and soluble in the composition (col.3, lines 34-36).

Regarding claim 9, Rabe discloses a substantially non-aqueous composition (col.5, lines 56-60) that includes the following: a glycol component present in the range from about 2% weight to about 90% weight (col.5, lines 14-17 and lines 51-53), an alcohol component present in the range from about 2% weight to about 90% weight (col.5, lines 14-17 and lines 51-53) and a conductivity control component present from about 0.5% weight to about 20% weight (col.4, lines 28-30 and col.9, line 27 and lines 40-42). The conductivity control component of Rabe is inherently capable of providing a conductivity value and/or values that fall within or overlap with the conductivity range recited in claim 9, because the concentration range of the conductivity control component of Rabe overlaps with the conductivity control component range featured in claim 9. The specification on page 4, lines 6-22, teaches that a composition having an alcohol component in the range about 10 weight percent to about 80 weight percent in combination with a glycol component result in the formation of an azeotropic mixture upon addition of water. On the same page the specification further teaches that determining the amount of water is a matter of routine experimentation. Rabe teaches a composition having an alcohol component concentration range that encompass the range disclosed on page 4 of the specification. In addition, Rabe teaches adding a

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glycol agent along with water (col.5, lines 51-53 and lines 56-60). Clearly, the Rabe's composition is inherently capable of forming an azeotropic composition just like the instant claims. In addition, Rabe teaches (col.2, lines 55-58) that all combinations of the various disclosed embodiments are possible. This teaching means the composition can have different combinations of its components and is not limited to what is explicitly illustrated. Clearly in one combination, the composition of Rabe includes a liquid insulating material and a conductive material, which both are miscible and soluble in the composition (col.3, lines 34-36) and immiscible and insoluble topical particulates are excluded.

Regarding claim 13, Rabe discloses a system for electrostatic delivery (i.e., a vaporizing emitter, col.12, lines 56-67 through col.14, lines 1-10) of an antimicrobial composition (col.5, lines 56-60) in an aerosol suspension form (col.12, lines 9-14) that includes a glycol component in combination with an alcohol component as having an inherent initial conductivity and an essential oil (col.9, line 27) as the conductivity control component. The essential oil present in an amount that is inherently capable of reducing the initial conductivity (col.4, lines 28-30 and col.9, line 27 and lines 40-42).

Furthermore, Rabe discloses an electrostatic dispensing apparatus having the following: a liquid reservoir (col.12, lines 57-58), an electrostatic charging element (col.14, lines 8-10), a voltage source (col.12, lines 59-60) and a dispenser (col.13, lines 20-21).

Regarding claims 2 and 5, Rabe teaches the use of ethanol and propylene glycol (col.5, line 54) such that propylene glycol is at a concentration range of from about 2% weight to about 90% weight (col.5, lines 14-17 and lines 51-53).

Regarding claims 3-4, 11-12 and 17, Rabe teaches adding essential oils (i.e., conductivity control component) in an amount present from about 0.5% weight to about 20% weight (col.4, lines 28-30 and col.9, line 27 and lines 40-42). The conductivity control component of the Rabe reference is inherently capable of providing a conductivity value and/or values that fall within or overlap with the conductivity range recited in claims 3, 12 and 17, because the concentration range of the conductivity control component of the Rabe reference overlaps and/or encompasses the conductivity control component ranges disclosed in claims 3, 12 and 17.

Regarding claim 15, Rabe discloses a glycol component in combination with an alcohol component (col.5, lines 14-17 and lines 51-53) such that the glycol component is capable of being the solute while the alcohol component is the solvent.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 6-8, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabe et al (U.S.P.N. 6,531,142) as applied to claims 5, 10, 13 and 1 and further in view of Schroeder et al (U.S.P.N. 5,591,395).

Regarding claims 6 and 10, Rabe teaches the combined use of a glycol component with an ethanol component (col.5, lines 51-53). Since the Rabe's concentration range for glycol and ethanol encompasses the ranges recited in the instant claims then the composition of Rabe intrinsically has a viscosity value that falls within the viscosity range recited in claim 10. Rabe fails to teach the use of triethylene glycol. Schroeder teaches the use of triethylene glycol (example 2). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the composition of Rabe by substituting propylene glycol for triethylene glycol since triethylene glycol is one of the preferred glycol materials named by Schroeder (col.1, lines 66-67) for its ability to readily generate particles, which form an aerosol suspension in the air at temperatures, which can safely be used in a small consumer appliance (col.1, lines 62-66).

Regarding claims 7-8, Rabe teaches using ethanol (col.5, line 54) at a concentration range of from about 2% weight to about 90% weight (col.5, lines 14-17 and lines 51-53). The Rabe's concentration range for ethanol encompasses the recited concentration range in claim 7. As a result, ethanol in the Rabe's composition is intrinsically capable of providing the disclosed viscosity range in instant claim 8.

Regarding claim 14, Rabe fails to teach providing 3-log reduction in airborne microbial levels. Schroeder teaches that the composition causes a reduction of 3-log in

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the airborne microbial levels (Examples 1-2). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rabe composition by choosing triethylene glycol since it causes a substantial reduction in the amount of airborne bacteria present as taught by Schroeder (col.4, lines 10-17).

10. Claims 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabe et al (U.S.P.N. 6,531,142) as applied to claim 1 and further in view of Schroeder et al (U.S.P.N. 5,591,395) and Coffee (U.S.P.N. 6,880,554).

Regarding claim 18, Rabe discloses a method for electrostatically dispensing a disinfecting composition that includes providing an electrostatically dispensable glycol (col.5, lines 52-54) that is substantially non-aqueous composition (abstract, lines 1-2 and col.5, lines 56-60) that includes an alcohol solvent in combination with a glycol (col.5, lines 14-17 and lines 51-53) solute such that within the disclosed range, the glycol component is capable of being the solute while the alcohol component is the solvent. The combination of the alcohol and the glycol has an inherent initial conductivity and an essential oil (col.9, line 27) as the conductivity control component. The essential oil present in an amount that is inherently capable of reducing the initial conductivity (col.4, lines 28-30 and col.9, line 27 and lines 40-42). Rabe method further includes charging the glycol component with an apparatus (col.12, lines 7-14) having an electrode connected to a voltage source (col.14, lines 4-10) and dispensing the charged glycol (col.13, lines 33-36). Rabe fails to teach providing 3-log reduction in airborne microbial levels and the electrostatically dispensing apparatus includes only one electrode. Schroeder teaches that the composition causes a reduction of 3-log in the

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airborne microbial levels (Examples 1-2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rabe composition by choosing triethylene glycol since it causes a substantial reduction in the amount of airborne bacteria present as taught by the Schroeder reference (col.4, lines 10-17).

Regarding claim 18, Schroeder fails to teach an electrostatically dispensing apparatus includes only one electrode. Coffee teaches the use of only one electrode (figure 1:7) connected to a voltage source (figure 1:5). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Rabe apparatus by using only one electrode as taught by Coffee since such a design leads to a one electrode having two surfaces with multiple functions that is capable of fully or partially discharging the liquid comminution (col.2, lines 54-63).

Regarding claim 19, Rabe discloses a composition that includes a glycol component in combination with an alcohol component (col.5, lines 14-17 and lines 51-53) such that the glycol component is capable of being the solute while the alcohol component is the solvent.

Regarding claim 21, Rabe teaches adding essential oils (i.e., conductivity control component) in an amount present from about 0.5% weight to about 20% weight (col.4, lines 28-30 and col.9, line 27 and lines 40-42). The conductivity control component of the Rabe reference is intrinsically capable of providing a conductivity value and/or values that fall within or overlap with the conductivity range recited in claim 21, because

the concentration range of the conductivity control component of Rabe overlaps and/or encompasses the conductivity control component range disclosed in claim 21.

Regarding claims 16 and 20, Rabe fails to teach the use of triethylene glycol and a dispensation rate greater than about 0.1 grams per hour. Coffee discloses a delivery rate range from 0.1 micro Liter to 500 micro Liter (col.1, lines 66-67 and col.2, lines 1-4) such that upon conversion to grams per hour, the reference delivery rate range values were found to fall within the recited delivery range values. Coffee fails to teach the use of triethylene glycol; however, Schroeder teaches using triethylene glycol (example 2). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rabe composition by substituting propylene glycol for triethylene glycol since it is one of the preferred glycol materials named by Schroeder (col.1, lines 66-67) for its ability to readily generate particles, which form an aerosol suspension in the air at temperatures, which can safely be used in a small consumer appliance (col.1, lines 62-66).

11. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabe et al (U.S.P.N. 6,531,142) as applied to claim 13 and further in view of Peltier (U.S.P.N. 5,382,410).

Regarding claims 26-27, Rabe teaches that any electrostatic system can be utilized for dispensing the composition (col.12, lines 15-23), yet Rabe fails to teach that the dispensing system does not include a spray nozzle and also fails to teach electrostatically dispensing the composition within an air duct of a central air handling system. Peltier teaches an electrostatically dispensing system without a spray nozzle

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(figure 1B: 6a or 6b) and placing the device within an air duct of a central air handling system (col.2, lines 47-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Rabe electrostatic dispensing system with Peltier since controlling the quantity of liquid fed to the wick directly results in precisely controlling the quantity of aerosol generated (Peltier, col.2, 42-46) and to place Rabe device within an air duct of a central air handling system as taught by Peltier in order to modify the character and quality of the air within a room or a building (Peltier, col.2, lines 64-68 and col.3, lines 1-2)) by adding scents and by disinfecting the air handling ducts.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabe et al (U.S.P.N. 6,531,142) in view of Schroeder et al (U.S.P.N. 5,591,395) and Coffee (U.S.P.N. 6,880,554) as applied to claim 18 and further in view of Peltier (U.S.P.N. 5,382,410).

Rabe fails to teach electrostatically dispensing the composition within an air duct of a central air handling system. Peltier teaches placing the device within an air duct of a central air handling system (col.2, lines 47-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place Rabe device within an air duct of a central air handling system as taught by Peltier in order to modify the character and quality of the air within a room or a building (Peltier, col.2, lines 64-68 and col.3, lines 1-2)) by adding scents to the air and by disinfecting the air handling ducts.

13. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coffee (U.S.P.N. 6,105,877) in view of Schroeder et al (U.S.P.N. 5,591,395), Rabe et al (U.S.P.N. 6,531,142) and Bloch (U.S.P.N. 4,071,616).

Regarding claim 22, Coffee teaches a substantially non-aqueous electrostatically dispensable (20, 23 and 24) disinfectant composition (col.9, lines 62-63) that includes a glycol component with intrinsic initial viscosity and initial conductivity, an alcohol component and a conductivity component (col.4, lines 49-50) having a resistivity range, that falls within the range for the conductivity recited (see explanation with respect to claim 3). In column 9, lines 61-63, Coffee teaches one embodiment of the composition where all components are soluble or miscible within the composition. Further, Coffee discloses a delivery rate range from 0.1 micro Liter to 500 micro Liter (col.2, lines 45-48) such that upon conversion to grams per hour, the reference delivery rate range values were found to fall within the recited delivery range values. Coffee teaches that a glycol component present at 20 weight percent (col.9, line 63) but fails to provide weight percent as recited in claim 22 for triethylene glycol, the alcohol component and the fragrance component. Schroeder uses triethylene glycol at about 10 weight percent (example 2). Rabe teaches adding an amount from 2 weight percent to 90 weight percent of ethanol (col.5, lines 14-16 and line 49). Bloch teaches that the weight percent range for perfume is from 0.25 weight percent to 30 weight percent (col.1, lines 61-62). As a result, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Coffee composition by including triethylene glycol at about 10 weight percent for generating lower number of particles compared to

dipropylene glycol at 90 weight percent in example 1 and to include ethanol component in an amount between 2 to 90 weight percent since ethanol is a solvent used for concentration makeup and to increase the amount of perfume present in order to release the perfume with a sufficient level so as to be considered satisfactory air freshener.

Regarding claim 23, Coffee teaches a composition that includes ethanol (col.9, line 62) and fragrance (col.4, lines 49-50). Further, Coffee discloses a delivery rate range from 0.1 micro Liter to 500 micro Liter (col.2, lines 45-48) such that upon conversion to grams per hour, the reference delivery rate range values were found to fall within the recited delivery range values. For example, 0.1 micro liter/second in Coffee is equivalent to 0.009 g/hour ($0.1 \text{ g/hr} = 50945 \times 10^{-9}$); 500 micro liter/second in Coffee is equivalent to 1.8 g/hour ($0.03 \text{ ml/sec} = 0.000066058 \text{ lb/sec} = 109 \text{ g/hr} = 108 \text{ g/hr}$).

Regarding claim 24, coffee discloses a composition that includes polyethylene glycol, ethanol and fragrance, but fails to teach the following: the use of triethylene glycol, ethanol at about 56 weight percent and fragrance at about 30 weight percent; however, Schroeder uses triethylene glycol in weight percent range from 5% to 100% (col.2, lines 15-19) because of its ability to readily generate an aerosol suspension in the air at safe temperatures for small consumer applications (col.1, lines 62-66), Rabe teaches adding an amount from 2 weight percent to 90 weight percent of ethanol (col.5, lines 14-16 and line 49) such a modification is a matter of routine experimentation and Bloch teaches that the weight percent range for perfume is from 0.25 weight percent to

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30 weight percent (col.1, lines 61-62) such that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Coffee composition by increasing the amount of perfume present in order to release the perfume with a sufficient level so as to be considered satisfactory air freshener as taught by Bloch (Bloch, col.3, lines 50-52).

Response to Arguments

14. Applicant's arguments filed on 04/03/2006 have been fully considered but they are not persuasive.

On page 8 of the Remarks section, applicant argues that, "Importantly, it is noted that Rabe et al. pertains to a topical composition which is applied to the skin and more specifically to color cosmetics and skincare compositions. The entire essence of Rabe et al. is that such topical compositions include immiscible and insoluble particulates which need to be electrostatically discharged topically onto a skin surface, such as a cosmetic pigments." In evaluating Rabe in view of instant claims 1-17, 22-24 and 26-27, the examiner makes the following points that claim groups 1-8, 9-12, 13-17 and 26-27 and 22-24 are composition and apparatus claims where components inherent characteristics and structural features distinct claims from prior art (see MPEP 2114 and 2112.01, II) and that Rabe in column 3, lines 13-22, teaches that the application of the components and various embodiments of the compositions are not limited to their illustrated applications. Rabe composition includes using alcohols in combination with glycol and biocides (col.9, lines 30-31), which are both in the art as having disinfecting properties. Rabe teaches (col.2, lines 55-58) that all combinations of the various

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disclosed embodiments are possible. This teaching means the composition can have different combinations of its components and is not limited to what is explicitly illustrated. Clearly in one combination, the composition of Rabe includes a liquid insulating material and a conductive material, which both are miscible and soluble in the composition (col.3, lines 34-36). In evaluating Rabe in view of instant method claims 18-21 and 25, Rabe discloses a method for electrostatically dispensing a composition in an aerosol form that includes the disinfectant glycol (col.5, lines 52-54) and the disinfectant alcohol solvent (col.5, lines 14-17 and lines 51-53) that inherently disinfects microbes in the air as it is being sprayed. However, Rabe fails to teach providing 3-log reduction in airborne microbial levels. Schroeder teaches that the composition causes a reduction of 3-log in the airborne microbial levels (Examples 1-2). Both Rabe and Schroeder have the purpose of disinfecting air where in Rabe it is inferred and in Schroeder it is explicit. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rabe composition by choosing triethylene glycol since it causes a substantial reduction in the amount of airborne bacteria present as taught by the Schroeder reference (col.4, lines 10-17).

Conclusion


15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 9:00-5:30.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GLADYS J. CORCORAN can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


GLADYS J. CORCORAN
SUPERVISOR, PATENT EXAMINER

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19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monzer R. Chorbaji 
06/26/2006